CONGRESSIONAL REFERENCE

To The

UNITED STATES COURT OF FEDERAL CLAIMS

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Congressional Reference No. 95-338X

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INSLAW, INC., a Delaware Corporation, and WILLIAM A. HAMILTON and NANCY BURKE HAMILTON, Plaintiffs, vs. UNITED STATES OF AMERICA, Defendant.	* * * * * * * * * * * * *

AFFIDAVIT OF DONALD L. WARD

Personally appeared before me, an officer duly authorized to administer oaths, DONALD L. WARD who deposes and says:

1.

My name is Donald L. Ward. I reside in Indiana. I am an adult sui juris and I have personal knowledge of the facts recited in this affidavit.

I met Bill Hamilton over the telephone in 1991 while a reporter in Boca Raton, Florida. Our paths crossed because of a mutual source in our investigations of separate matters. Because of this acquaintance, numerous telephone calls between us, and because of my own research of past articles, I became familiar with the INSLAW case.

3.

Incidentally, Bill put me in touch with Danny Casolaro just before his untimely and mysterious death. Danny had asked to stay with me in South Florida to save money while on an upcoming trip to Miami to research Wackenhut for his book on INSLAW. I agreed to let him stay, especially since he had offered to provide me with some information on my own investigation. That trip never took place because Danny was found dead just a few weeks before.

4.

Soon after my move to Washington, D.C., in October 1992, I arranged to meet Bill and Nancy Hamilton in person for the first time. My wife and I met the Hamiltons for lunch one day.

5.

A few weeks afterward, Bill faxed me several articles and materials to update me on the INSLAW case. He had told me about a government source who had been slipping them documents and information to help their case.

Since I was now working as a reporter for Navy Times and had access to Navy personnel in the Pentagon, Bill asked if I had any contacts who may know something about the government's alleged development and use of PROMIS software on Navy submarines. I told him I wold start asking around, and requested from him some sample questions to help me get started. I thought that if I could come up with anything solid, my editor might allow me to pubiish a story in Navy Times.

7.

By telephone, Bill told me his investigators had learned Earl Brian's Hadron Inc. had obtained contracts with the Navy's Undersea Systems Center in the early 1980s to install PROMIS on Navy attack and ballistic missile submarines. Bill told me to ask questions regarding:

* Whether Hadron Inc. help put PROMIS on SSNs in 1983 or later?

* If it was installed on a VAX computer? (He explained VAX was a mid-ranged computer made by DEC, and that if I find PROMIS installed on a VAX, then I've found INSLAW's PROMIS. Bill said his investigators allege the government's first use of PROMIS was on a submarine, first installed around late 1983 or 1984. Bill also said the Justice Department stole a VAX computer from INSLAW in April, 1983.)

* If Hadron at least in part was connected to PROMIS?

* What year the Navy began installing PROMIS on submarines?

* What the Navy's PROMIS database was used for? If it was for intelligence?

8.

I prepared a written media query regarding PROMIS for Jim Fallin, a Navy public affairs official I knew who was then based at the Navy's Pentagon Public Affairs Office. (See Exhibit "1") He referred me to Sue Fili, a Navy public affairs civilian employee at Navy Sea Systems Command, located in Arlington, Virginia.

9.

Ms. Fili responded to my query by telephone. She confirmed that the Navy, since the early-1980s, had used a software program called PROMIS for database management aboard submarines in intelligence gathering and dissemination. She said the Navy installed PROMIS aboard attack (SSN) and ballistic missile (SSBN) subs using a VAX 11/780 model 5 computer. She said the program now runs on an Oracle relational DBMS and integrated with a Novell local area network.

10.

For more information, she then suggested I contact Vet Payne, a public affairs official at the Navy's Undersea Systems Center in Newport, Rhode Island.

11.

Before doing so, I wrote a new list of questions, based on my conversation with Ms. Fili, to be faxed to Rhode Island. I then sent a draft of the letter to Bill. (See Exhibit "2") Bill helped me fashion the new list of questions, which I then faxed to Mr. Payne. (See Exhibit "3") Payne responded with a fax answering each question. (See Exhibit "4")

12.

Meantime, I had just finished a cover story on the future of Navy submarines. Research for this project took me aboard an attack submarine overnight in the Bahamas. While on this trip, I asked some of the men about PROMIS and other software and hardware systems they used. None of them was familiar with the word "PROMIS" or "VAX."

13.

It's possible PROMIS was only used by intelligence officers on board, and these weren't intelligence officers. Even so, intelligence officers probably wouldn't confirm or deny any such information.

14.

I also asked questions about PROMIS during my weekly rounds in the Pentagon when I visited the submarine offices. But no one seemed familiar with it. These were primarily younger submariners who perhaps were using newer systems and programs. Or again, they were not intelligence officers so they would perhaps have no knowledge of PROMIS.

15.

In conclusion, my sense in all of this was that Ms. Fili was not aware I was referring to the PROMIS software program that had become the subject of litigation between INSLAW and the U.S. Government. She was simply trying her best to get answers to some routine questions about computer systems.

16.

Mr. Payne also did not know the background upon first receiving my fax. But when he telephoned me a few days later to fax his response, it was clear someone had informed him of the story with INSLAW because he mentioned it to me at that point. He made sure to explain the Navy's PROMIS was not the same PROMIS developed by INSLAW.

17.

I provided copies of these responses to Bill, but wrote no story about them.

18.

Bill used the materials in a subsequent January 6, 1994, background report on the INSLAW case. (See Exhibit "5")

19.

In my nearly two-year experience of dealing with the Navy, I found it difficult to obtain ANY information about just about anything -- even the simplest personnel program, much less a conviction of the government on INSLAW. At our company, Army Times Publishing Co., which published newspapers on all three services, the Navy was well-known as being the most difficult from which to obtain information.

FURTHER AFFIANT SAYETH NOT.

Donald L. Ward
DONALD L. WARD

Sworn to and subscribed before me,

this __8__ day of __DECEMBER__ , 1995.

Thelma L. Baker
Notary Public

Commission Expires: _____

THELMA L. BAKER, NOTARY PUBLIC
A RESIDENT OF ST. JOSEPH COUNTY, IN
My Commission Expires 6-29-99

TO: Jim Fallin
FROM: Don Ward
DATE 10-29-93
RE: on-board equipment - submarines

1. What data base management system (DBMS) do Navy submarines use for storage and transmission of intelligence data?

2. Do some Navy submarines have PROMIS (Program Management Information System)? I'm told some do. Also, I'm told the system is in place at the Naval Underwater Systems Command in Rhode Island, and the major submarine bases in Groton, San Diego and Norfolk. Is this correct?

3. What type of computer hardward is used to run PROMIS aboard Navy submarines?

4. When was the Navy's PROMIS software system first implemented aboard nuclear submarines?

5. What size computer (mainframe, mid-range computer, workstation or personal computer) does the Navy's PROMIS operate on?

6. What brand and model computer does the Navy's PROMIS operate on (such as IBM 3090, Digital Equipment Computer VAX 11/70)?

7. What programming language is the Navy's PROMIS software written in? (such as COBOL, FORTRAN, C, PL/I)

8. Is the Navy's PROMIS integrated with a commercially available DBMS software product, such as IBM's DB/2 or Computer Corporation of America's M204?

9. Were any of Hadron Inc!'s software support contracts with the Naval Underwater Systems Center/Naval Underwater Warfare Center involved in the Navy's PROMIS software system?

EXHIBIT "1"

TO:
FROM:

You may have seen my cover story this week in Navy Times on submarines.
I am now gathering information for a follow-up article on computer system used aboard submarines. NavSea has answered most of my questions, however, I was advised to go to you for more details on a specific software program calle PROMIS. The Navy has used this software since the early 1980s for data base management aboard submarines in intelligence gathering and dissemination, according to NavSea.

The Navy first installed PROMIS aboard SSN and SSBN submarine using a VAX 11/780 model 5 (made by Digital Electronics Corp.), according to NavSea. It no runs on an Oracle relational DBMS (data base management system) and integrated with a Novell local area network. (Please correct me if this is wrong)

Please answer the following:

1. What year was PROMIS first installed aboard a Navy submarine?

2. What company developed PROMIS for the Navy?

3. What computer software language was PROMIS originally written in?

4. What computer software language is PROMIS written in today?

5. When was PROMIS converted to the Oracle system?

6. When was PROMIS integrated with the Novell local area network?

Please call or fax your answers to:

Don Ward
Navy Times
Phone: 703-750-8674
Fax: 703-750-8601

(END)

EXHIBIT "2"

TO: Vet Payne
FROM: Don Ward, 703-750-8674
DATE: 11-11-93
RE: information request

You may have seen my story this week in Navy Times on submarines.
I am now gathering information for a follow-up article on computer
systems used aboard submarines. NavSea has answered most of my questions.
However, I was advised to contact you for more details on specific
software and hardware programs.
I am particularly interested in a software called PROMIS (program
management information system), used on Navy submarines for data
base management. The Navy has used PROMIS software since the early 1980s
in intelligence gathering and dissemination, according to NavSea.
The Navy first installed PROMIS aboard SSN and SSBN subs using a
VAX 11/780 model 5 (made by Digital Equipment Corp.), according to
NavSea. It was later integrated with the Oracle relational DBMS
(data base management system), and integrated also with a Novell
local area network. (Please correct me if this is wrong.)

Please answer the following questions:

1. What year was PROMIS first installed aboard a Navy submarine?

2. What company developed PROMIS for the Navy?

3. What computer software language was PROMIS originally written in?

4. What computer software language is PROMIS written in today?

5. When was PROMIS integrated with the relational DBMS from Oracle
   Systems Corp.?

6. When was PROMIS integrated with Novell local area network?

7. What brand and model of computer hardware does PROMIS currently
   operate on aboard nuclear submarines, if different from the VAX?

8. What companies have provided software support, integration,
   training or implementation services for PROMIS aboard nuclear subs?

If possible, please submit your answers in writing.
My fax number is 703-750-8601.

EXHIBIT "3"

[handwritten: asst.PAO – civilian / Gary Steigerwald]

[handwritten annotations, upper right: NUWC & Naval warfare cntrs / (Naval Undersea warfare cntrs) Newport, RI / Newport, RI / Keyport, WA(sh) / Newport, RI / WASH]

Don Ward
Navy Times
6883 Commercial Drive
Springfield, VA 22159-0170

Dear Mr. Ward:

Thank you for your letter of 11 November 1993, concerning the Naval Undersea Warfare ~~System Division~~ *[handwritten: Centu Division, Newport]*, Newport program management information system, PROMIS.   *[handwritten: Newport]*

In response to your letter the following responses are provided:

1. "What year was PROMIS first installed aboard a Navy submarine?" PROMIS has never been installed on board any Navy submarine.

2. "What company developed PROMIS for the Navy?" None. PROMISE was developed internally by NUWC personnel.

3. "What computer software language was PROMIS originally written in?" The "C" programming language.

4. "What computer software language is PROMIS written in today?" The "C" programming language.

5. "When was PROMIS integrated with the relational DBMS from Oracle Systems Corp.?" PROMIS was integrated with Oracle in 1992.

6. "When was PROMIS integrated with Novell local area network?" PROMIS was integrated with Novell in 1992.

7. "What brand and model of computer hardware does PROMIS currently operate on-board nuclear submarines, if different from the VAX?" PROMIS is not on-board any submarines.

8. "What companies have provided software support, integration, training or implementation services for PROMIS aboard nuclear subs?" PROMIS is not on-board any submarines.

If I can be of any further assistance, please don't hesitate to contact me.

[signature]

S. C. PACE
Public Affairs Officer

[handwritten: (differen) / WAS on VAX / before]   *[handwritten: Software]*

EXHIBIT "4"

FOR BACKGROUND PURPOSES ONLY

Several years later, we received information from still another source, a computer programmer on board a U.S. Navy nuclear submarine, that a stolen copy of INSLAW's PROMIS is operational on board the submarine on which he is stationed. We received this information through contact with an intermediary for the computer programmer.

In January 1992, we disclosed to Justice Department Special Counsel Nicholas J. Bua the claims we had by then received from the first two sources, but the Special Counsel evidently did not look into the matter. In our July 1993 rebuttal to the Bua Report, we again highlighted these claims, adding the information that we had received in the meantime from the computer programmer on board a nuclear submarine.

In February 1993, a friend of ours, Mr. Terry D. Miller, President of Government Sales Consultants, Inc., wrote to the Navy's Inspector General suggesting that there was sufficient evidence to warrant an official inquiry into whether the nuclear submarine program is a major beneficiary of the U.S. Justice Department's theft of INSLAW's PROMIS software. On October 5, 1993, the Vice Admiral who serves as the Navy's Inspector General wrote to Mr. Miller confirming that the Navy's submarine program has a software system known by the acronym PROMIS but asserting that it was developed internally by the government and that it does not infringe upon any of INSLAW's copyrights.

We then approached a reporter for the Navy Times who, coincidentally, was working on a cover story about the Navy's submarine program, to see if he would be interested in independently pursuing an investigation. The Navy's submarine headquarters told the journalist that its PROMIS operates on a VAX mid-range computer, i.e., a VAX 11/780, Model 5, and that it is integrated with the commercially available DBMS (Data Base Management System) software product from Oracle Corporation of California. The submarine headquarters also told the reporter that there are two software products spelled P-R-O-M-I-S; that one is pronounced PROM'IS and is involved in litigation, while the other, i.e., the one used by the Navy, is pronounced PRO-MEESE. In response to a question from the reporter, the submarine headquarters also denied that Earl Brian's Hadron had had any role in regard to the Navy's PROMIS, and then referred the reporter to the Navy's Undersea Systems Center in Newport, Rhode Island, for answers to his other questions.

The Navy's Undersea Systems Center subsequently replied in writing to the reporter's other questions, asserting that the Navy's PROMIS had never been installed on board a nuclear submarine; that PROMIS is operational only at the land-based facility of the Undersea Systems Center, that the application domain of the Navy's PROMIS is inventory tracking of equipment that has been distributed to the various submarines, and that engineers employed at the Undersea Systems Center had internally developed the Navy's PROMIS application.

EXHIBIT "5"

FOR BACKGROUND PURPOSES ONLY

These official U.S. Navy statements about its PROMIS software system are not only in conflict with the claims of the aforementioned INSLAW confidential informants but are also in conflict with other written disclosures by the Undersea Systems Center itself. For example, on November 5, 1987, the Undersea Systems Center published an announcement in the Commerce Business Daily that it was seeking a computer software vendor to provide software support services for its PROMIS database software system. In the published announcement, the Undersea Systems Center stated that the winning vendor would have to support each of the following versions of PROMIS: the "test facility" version of PROMIS at the land-based facility in Newport; two operational versions of PROMIS, one on the SSN (Sub-Surface Nuclear) "platform," i.e., on the attack class of submarine, and the other on the SSBN (Sub-Surface Ballistic Nuclear) "platform," i.e., on the "boomer" ICBM (Inter-Continental Ballistic Missile) class of submarine; and the on-line PROMIS training system on board both classes of submarines.

The Navy's official written statement that its PROMIS has never been installed on board a nuclear submarine is an obvious falsehood; the statement also indicates a desire on the part of the Navy to cover up aspects of its use of the PROMIS software. Other statements by the Navy about its PROMIS program are also suspect. The claim that the application domain for the Navy's PROMIS is inventory tracking is, for example, inconsistent with the separate disclosure that there is an on-line PROMIS training system on board every nuclear submarine, and with the disclosure in the Commerce Business Daily announcement that the Navy categorizes its PROMIS application as a combat support application. Finally, the claim that Earl Brian's Hadron had no role in the Navy's PROMIS is extremely suspect in light of the fact that the Navy is obviously lying for some unexplained reason about other aspects of PROMIS, that Hadron had software support contracts with the Undersea Systems Center and a local field office near Newport, Rhode Island, during the relevant years of the early and mid-1980's, as evidenced by Hadron's own annual reports, and that Earl Brian and Hadron were evidently simultaneously secretly engaged in other intelligence-related PROMIS distributions in the 1983-1985 timeframe, as discussed throughout this memorandum.

Neither VAX mid-range computers nor any PROMIS database application were installed on board nuclear submarines prior to October 1983, according to a former Hadron officer. According to the same source, however, the Navy had by then already announced plans to replace the custom-developed computer hardware on board the submarines with commercially-available computer hardware, and the expectation was that the VAX mid-range computer would be selected. As noted earlier, our trusted source with ties to the CIA claims that the U.S. submarines' use of INSLAW's PROMIS was one of the first unauthorized uses of PROMIS by the U.S. intelligence community. We have already explained that the distribution of the VAX version of PROMIS to Israel and to the two international financial institutions evidently occurred in the spring of 1983 and that these were intelligence community disseminations. The question that arises, therefore, is how could the U.S. submarine implementation, claimed to be one of

FOR BACKGROUND PURPOSES ONLY

the first unauthorized uses of PROMIS in the U.S. intelligence community, have been delayed until sometime after October 1983 if it was, in fact, one of the first unauthorized uses of PROMIS by the U.S. intelligence community?

The delay between the April 1983 Justice Department theft of the VAX version and its implementation on board nuclear submarines, evidently sometime after October 1983, could be explained by the time and effort required to prepare the stolen software for use in a combat support environment. These efforts would necessarily have included the installation of the first VAX mid-range computers on board the submarines, the integration of PROMIS with the commercially-available DBMS from Oracle Corporation of California, the development of the on-line PROMIS training system for the crews aboard the submarines, and the tailoring of the PROMIS database application to the intelligence application on board the submarines.

As noted earlier, Lindsey is the name of the individual allegedly designated by the U.S. intelligence community to "package" PROMIS for Earl Brian's dissemination to intelligence entities. A former Hadron employee, whose only exposure to Hadron was in the spring and summer of 1983, told us about a Brian Lindsey who was apparently employed in the U.S. intelligence community and who had ties to both Hadron and the U.S. Justice Department. We found a Brian Lindsey at the NSA who is employed as a senior computer software engineer specializing in database management applications. According to a former NSA colleague, Brian Lindsey was, for example, a member of the database club at the NSA and worked with the Oracle DBMS during the early to mid-1980's. Oracle is the commercially-available DBMS software product with which PROMIS was integrated on board the submarines. Later in the memorandum, we explain that both the CIA and the NSA agree that the NSA spearheaded the U.S. intelligence community's effort to integrate PROMIS with commercially-available DBMS software products prior to the implementation of PROMIS in U.S. intelligence agencies. That fact increases the probability that the Lindsey who packaged PROMIS for Earl Brian's distribution to intelligence entities is, in fact, an NSA computer software engineer.

Additional evidence of Hadron's involvement with PROMIS in 1983 was provided by the same former Hadron employee who told us about Brian Lindsey. Shortly after Hadron acquired Acumenics as a wholly-owned litigation support subsidiary, in March 1983, Hadron approached the U.S. Department of Labor, where Acumenics already had a litigation support contract, with an offer to implement PROMIS, according to this source.

The Apparent Dissemination of the VAX Version of PROMIS
to the Military Intelligence Agencies of Jordan and Egypt

In December 1981, Earl Brian's Hadron, Inc. acquired Telcom International as a wholly-owned subsidiary. Billy R. Morris, the President of Telcom International, had been employed at the CIA until 1977, according to one of Hadron's annual reports. According to a former